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FILED

MAY 27 2010

Ed Smith
 CLERK OF THE SUPREME COURT
 STATE OF MONTANA

Office of Disciplinary Counsel

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. _____

IN THE MATTER OF MARY ANN
 SUTTON,

An Attorney at Law,
 Respondent.

) ODC File No. 10-111

)
) **PETITION FOR**
) **DETERMINATION**
) **REGARDING LAWYER**
) **CONVICTED OF A**
) **CRIMINAL OFFENSE**
)

Pursuant to Rule 23B of the Rules for Lawyer Disciplinary Enforcement (2002), the Office of Disciplinary Counsel for the State of Montana ("ODC"), hereby petitions the Court as follows:

1. Mary Ann Sutton, hereinafter referred to as Respondent, was admitted to the practice of law in the State of Montana in 1985. Respondent is currently employed by the State of Montana as legal counsel for Montana Public Employees Retirement Administration.

1 2. On or about May 10, 2010, the Clerk of District Court for the Montana
2 Fourth Judicial District Court, Missoula County, provided ODC with a certified
3 copy of the Court's March 9, 2010 Judgment in *State v. Sutton*, Cause No. DC-
4 2008-254. The certified copy of the Judgment is attached hereto as Exhibit A.

6 3. Respondent was charged by Information on May 30, 2008 with Felony
7 Issuing Bad Checks—Common Scheme, in violation of §45-6-316(3), MCA. The
8 Information alleged that on or about October 4 through October 15, 2007, Sutton
9 issued three checks totaling \$8,000 to the Montana 1st Credit Union, knowing they
10 would not be paid by the depository, the USAA Savings Bank.

12 4. Respondent pled *nolo contendere* to the charge on September 11, 2008.
13 On December 15, 2008, the District Court adjudged and decreed Respondent guilty
14 of the offense charged and imposed a six-year deferred sentence, subject to certain
15 terms and conditions of probation.

17 5. Missoula Deputy County Attorney Betty Wing filed a Petition to Revoke
18 on July 2, 2009. The Petition alleged that Respondent violated the terms and
19 conditions of probation. By its Judgment of March 9, 2010, the District Court
20 revoked Respondent's prior sentence and imposed a new six-year deferred
21 sentence, subject to certain additional terms and conditions of probation.

24 WHEREFORE, the Office of Disciplinary Counsel prays as follows:
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